

REMARKS

This is in response to the Office Action dated February 21, 2006. Claims 1-13 are pending.

Claim 1 – Rejection based on Ogawa

Claim 1 stands rejected under 35 U.S.C. Section 102(e) as being allegedly anticipated by Ogawa (a new ground of rejection). This new Section 102(e) rejection is respectfully traversed for at least the following two (2) reasons.

First, claim 1 requires “a polarization hologram for transmitting the laser beam directed from the laser emission part to the irradiation object as a forward beam *without diffracting* the laser beam.” Ogawa fails to disclose or suggest this feature. In contrast with claim 1, Ogawa requires diffracting element 12 in the forward path of the laser beam so that the beam is diffracted as it is transmitted toward the irradiation object. Thus, Ogawa teaches directly away from the invention of claim 1. The Section 102(e) rejection based on Ogawa is fundamentally flawed and should be withdrawn for at least this reason.

Second, claim 1 also requires that the three-beam diffraction grating is located *only in a backward path of one* of the holographic diffracted beams. For example, Fig. 1 of the instant application illustrates that three-beam diffraction grating 7 is located in the backward path of the right-hand return beam, but not in the path of the left-hand return beam. Ogawa fails to disclose or suggest this feature. In contrast with claim 1, Ogawa’s alleged three-beam diffraction grating 13 is located in the return path of *all* return beams – the opposite of what claim 1 requires. Again, Ogawa teaches away from the invention of claim 1 in this respect. The Section 102(e) rejection based on Ogawa is fundamentally flawed and should be withdrawn for this second reason as well (in addition to the first reason discussed above).

Claims 9, 11 and 12 – Rejections Based on Ogawa

The Section 102(e)/103(a) rejections of independent claims 9, 11 and 12 based on Ogawa are incorrect for the same reasons discussed above with respect to claim 1.

Claim 1 – Rejection based on Takahashi

Claim 1 also stands rejected under Section 102(b) as being allegedly anticipated by Takahashi. This Section 102(b) rejection is respectfully traversed for at least the following two (2) reasons.

First, claim 1 requires “a polarization hologram for transmitting the laser beam directed from the laser emission part to the irradiation object as a forward beam *without diffracting* the laser beam.” Takahashi fails to disclose or suggest this feature. In contrast with claim 1, Takahashi requires diffracting element 2 in the forward path of the laser beam so that the beam is diffracted as it is transmitted toward the irradiation object. Thus, Takahashi teaches directly away from the invention of claim 1 in this regard. The Section 102(b) rejection based on Takahashi is fundamentally flawed and should be withdrawn for at least this first reason.

Second, claim 1 also requires that the three-beam diffraction grating is located *only in a backward path of one* of the holographic diffracted beams. For example, Fig. 1 of the instant application illustrates that three-beam diffraction grating 7 is located in the backward path of the right-hand return beam, but not in the path of the left-hand return beam. Takahashi fails to disclose or suggest this feature. In contrast with claim 1, Takahashi’s alleged three-beam diffraction grating 5 is located in the return path of *all* return beams – the opposite of what claim 1 requires. Again, Takahashi teaches away from the invention of claim 1 in this respect. The Section 102(b) rejection based on Takahashi is fundamentally flawed and should be withdrawn for this second reason as well (in addition to the first reason discussed above).

Claims 9, 11 and 12 – Rejections Based on Takahashi

The Section 102(e)/103(a) rejections of independent claims 9, 11 and 12 based on Takahashi are incorrect for the same reasons discussed above with respect to claim 1.

Conclusion

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____

Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100